

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: December 1, 2017

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In Re: **Charles Lo Bello, Jr.**Case No.: 18-10745Judge: RG

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS AMENDED

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required
Date: 4/13/2018

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.
Initial Debtor(s)' Attorney HIMInitial Debtor: C L

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay 1,515.00 Monthly to the Chapter 13 Trustee, starting on 2/1/2018 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☒ Sale of real property
Description: 248-252 2nd Avenue West, Newark, NJ 07107
Proposed date for completion: 10/31/2018
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Harvey I. Marcus 21758	Debtor's Attorney Fees	2,000.00
Harvey I Marcus 21758	Debtor's Attorney fees	per court order
NJ Division Of Taxation	Taxes and certain other debts	1,500.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
----------	------------------	--------------	-------------------

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Select Portfolio Servicing	222 Park Avenue, Hackettstown, NJ 07840	205,000.00	0.00 the collateral is surrendered in full satisfaction of debtor's personal liability for the debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Bank of America
Kearny Federal Sav & L
Rosario Girasa

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Donna V Lomp	non exempt assets	\$66,000.00
US Bank Cust BV Trst 2015-1	166 Highland Cross, Rutherford, NJ	\$46,148.78

Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ___ to be distributed *pro rata*
- ☒ Not less than _100_ percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
----------	-----------------------------------	-----------	-------------------

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
----------	-----------------------------	-----------------------------	---------------------	-----------------------

Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Coxurt when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
----------	------------	----------------	------------------------	----------------	--	---

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as
----------	------------	----------------	------------------------	-----------------------------	------------------------------

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
						Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Priority Claims**
- 5) **Lease Arrearages**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/18/17.

Explain below why the plan is being modified: add US Bank, and sale lan	Explain below how the plan is being modified: Part1c sale of property; Part 4g add US Bank paid through Plan.
--	--

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- ☒ NONE
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>April 13, 2018</u>	<u>/s/ Harvey I. Marcus</u> Harvey I. Marcus 21758 Attorney for the Debtor
Date:	<u>April 13, 2018</u>	<u>/s/ Charles Lo Bello, Jr.</u> Charles Lo Bello, Jr. Debtor
Date:	<u></u>	<u></u> Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date	<u>April 13, 2018</u>	<u>/s/ Harvey I. Marcus</u> Harvey I. Marcus 21758 Attorney for the Debtor
------	-----------------------	---

I certify under penalty of perjury that the above is true.

Date:	<u>April 13, 2018</u>	<u>/s/ Charles Lo Bello, Jr.</u> Charles Lo Bello, Jr. Debtor
Date:	<u></u>	<u></u> Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Charles Lo Bello, Jr.
 Debtor

Case No. 18-10745-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Apr 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 18, 2018.

db +Charles Lo Bello, Jr., 166 Highland Cross, Rutherford, NJ 07070-2141
 cr +Donna V. Lomp, SKLAR LAW LLC, Andrew Sklar, Esquire, 1200 Laurel Oak Road, Suite 102, Voorhees, NJ 08043-4317
 517276712 American Anesthesiology of NJ, PO Box 120153, Grand Rapids, MI 49528-0103
 517276713 +Americas Servicing Co, PO Box 10328, Des Moines, IA 50306-0328
 517276714 Atlantic Health System, PO Box 35611, Newark, NJ 07193-5611
 517276716 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, 4161 Piedmont Pkwy, Greensboro, NC 27410)
 517276715 +Bank Of America, PO Box 941000, Simi Valley, CA 93094-1000
 517344341 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
 517276706 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170, Simi Valley, CA 93062-5170
 517276717 +Capital 1 Bank, Attn: General Correspondence, PO Box 30285, Salt Lake City, UT 84130-0285
 517276718 +Chase, PO Box 15298, Wilmington, DE 19850-5298
 517276707 +Donna V Lomp, C/O Kalikman And Masnik, 30 Washington Ave, Haddonfield, NJ 08033-3341
 517323063 +Donna V. Lomp, C/o Sklar Law LLC, 1200 Laurel Oak Road, Suite 102, Voorhees, New Jersey 08043-4317
 517276719 +Eastern Account System INC., Attn: Bankruptcy Dept., PO Box 837, Newtown, CT 06470-0837
 517276720 +Frank Cassevell, 44A Darren Village 2, New Hope, PA 18938-1260
 517276721 +Gene Cattanesi, 105 Jacksonville Road, Pequannock, NJ 07440-1114
 517276722 +Home Depot Credit Services, PO Box 790345, Saint Louis, MO 63179-0345
 517276708 +Kearny Federal Sav & L, 614 Kearny Ave, Kearny, NJ 07032-2896
 517276724 PSE&G, PO Box 14444, New Brunswick, NJ 08906-4444
 517398278 Pinnacle Credit Services, LLC its successors and, assigns as assignee of Citibank (South, Dakota), N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517276723 Premier Urology Group, 570 South Avenue East Bldg A, Cranford, NJ 07016
 517276725 +Richard & Mary Lobello, William Hinkle, Esq., PO Box 99, Newton, NJ 07860-0099
 517276709 +Rosario Girasa, 861 Bedford Road, Pleasantville, NY 10570-2700
 517454823 +Ruthrford Borough Tax Collector, 176 Park Avenue, Rutherford, NJ 07070-2399
 517276711 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Bankruptcy Section, PO Box 245, Trenton, NJ 08695-0245)
 517276726 +Specialized Loan Servicing, LLC, 8742 Lucent Blvd Suite 300, Littleton, CO 80129-2386
 517384346 The Bank of New York Mellon, et al, c/o Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
 517333350 +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 517404492 U.S. Bank National Association,, Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
 517404493 +U.S. Bank National Association,, Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826, U.S. Bank National Association,, Shellpoint Mortgage Servicing 29603-0826
 517454822 +US Bank Cust BV Trst 2015-1, 164 Mason Street, Floor 2 South, Greenwich, CT 06830-6677

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 16 2018 23:11:04 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Apr 16 2018 23:11:02 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

517345320 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 16 2018 23:32:27 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541

517276710 +E-mail/Text: jennifer.chacon@spservicing.com Apr 16 2018 23:11:57 Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250

517407483 E-mail/Text: jennifer.chacon@spservicing.com Apr 16 2018 23:11:57 U.S. Bank NA, successor trustee, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517283470* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section, PO Box 245, Trenton, NJ 08695-0245)

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 36

Date Rcvd: Apr 16, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 18, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 15, 2018 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor US Bank National Association, as Trustee for NRZ
Pass-through Trust IX NJECFMAIL@mwc-law.com
Andrew Sklar on behalf of Creditor Donna V. Lomp andy@sklarlaw.com, dolores@sklarlaw.com
Andrew M. Lubin on behalf of Creditor U.S. Bank NA, successor trustee to Bank of America, NA,
successor to LaSalle Bank NA, as trustee, for the WaMu Mortgage Pass-Through Certificates,
Series 2004-CB4 bkecf@milsteadlaw.com, alubin@milsteadlaw.com
Brian E Caine on behalf of Creditor THE BANK OF NEW YORK MELLON, Et Al...
bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
Harvey I. Marcus on behalf of Debtor Charles Lo Bello, Jr. him@lawmarcus.com
Kevin Gordon McDonald on behalf of Creditor U.S. Bank National Association, Et Al...
kmcDonald@blankrome.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa S DiCerbo on behalf of Creditor NRZ Pass-Through Trust IX nj-ecfmail@mwc-law.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9